IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1854 of 2007

M/s.Tempo Instruments & Equipments
(India) Pvt. Ltd. & ors. Petitioners

Vs.

Padmavati Jugal Kishore Mehta & ors. Respondents

Mr.Vinod B. Singh for petitioners.

Mr.Dipan Mehta, C.A. of Resp.no.1 present in person.

Mr.Rajesh More, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 17, 2007.

P.C.

1. Heard Mr.Singh, the learned counsel for the applicants. The respondent no.1 is represented through Dipan Jugal Kishore Mehta. The respondent no.1 had instituted three separate complaints for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881 in respect of dishonour of eleven cheques, the details of which are as under :

Sr.No.	Cheque no.	Date	Amount(Rs.)
1.	185160	29-2-2000	15,800/-
2.	185161	"	16,000/-
3.	185162	"	16,575/-
4.	185163	"	17,000/-
5.	185164	"	18,000/-
6.	185165	"	19,000/-
7.	185167	"	16,400/-
8.	185168	"	16,600/-
9.	185169	"	19,500/-
10.	185182	"	12,000/-
11.	185184	"	11,375/-

. The complaints came to be renumbered as (1)CC No.1019/S/2003, (2) CC No.615/S/2003 and (3) CC No.506/S/2003. The last two cases involving eight cheques have been withdrawn by the complainant on account of the payment made by the accused, the present applicants. Admittedly the principal amount of the cheque with 12 per cent interest has been repaid by the present applicants in the last two

complaints. Similar offer was made in the remaining complaint i.e. Case No.1019/S/2003 and the applicants filed an application for compounding of the offence or to refer the matter to the Legal Services Authority for placing before the Lok Adalat. This application was opposed by the complainant and, therefore, by the order dated 7/5/2007 the learned Metropolitan Magistrate of the 20th Court, Mazgaon, Mumbai rejected the application filed by the present applicants - original accused.

2. There is no dispute that the total amount of the dishonoured cheques bearing Nos.185160, 185161 and 185162 comes to Rs.47,875/- and with interest at 12 per cent per annum for seven years and six months it comes to Rs.1,12,190/-. A Demand Draft for the said amount of Rs.1,12,190/- drawn in favour of the complainant is placed before me today and, therefore, the learned counsel for the applicants prays for either quashing the proceedings in the last complaint pending before the learned Metropolitan Magistrate or to pass an order compounding the offence under Section 147 of the Negotiable Instruments Act.

3. It is not disputed that the cheque amount of

Rs.47,875/- with interest at the rate of 12 per cent annum for a period of seven years and six months comes to Rs.1,12,190/- and when the complainant has accepted the cheque payment with 12 per cent interest in the other two complaints which have been withdrawn by the complainant, there is no reason for the complainant to demand interest at the higher rates. Granting interest at 12 per cent is reasonable and more so when as at present the lending rates by the nationalised banks are within the range of 10 to 12 per cent. Hence the applicants' prayer deserves to be accepted.

4. The application is, therefore, allowed in terms of prayer clause (a) and the Demand Draft for Rs.1,12,190/- is hereby handed over to Mr.Dipan Mehta, Constituted Attorney of the respondent no.1, in the Court.

(B.H.MARL